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NOTIFICATION.

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3rd December 1958.

The following Bill together with the Statement of Objects and Reasons and the Financial Memorandum attached to it, is published, as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

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L. A. Bill No. 54 of 1958.

THE SREE PANDARAVAKA LANDS ENFRANCHISEMENT BILL, 1958.

A

BILL

to provide for enfranchising certain categories of holdings under the Sree Padmanabhaswami Temple on payment of compensation to the Temple.

Preamble.—WHEREAS it is deemed expedient to enfranchise certain holdings under the Sree Padmanabhaswami Temple on payment of compensation to the Temple and to impose basic tax on the holdings so enfranchised;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Sree Pandaravaka Lands Enfranchisement Act, 1958.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "basic tax" means the tax imposed by the Government under the provisions of the Land Tax Act, 1955;

(b) "holding" means any Sree Pandaravaka land held by a tenant;

(c) "Sree Pandaravaka lands" means the lands belonging to the Sree Padmanabhaswami Temple;

(d) "tenant" means a person who at the commencement of this Act holds Sree Pandaravaka lands on pattom, otti, jenmom, kudijenmom, danam or under any other tenure by whatever name called.

3. *Extinguishment of the rights of the Sree Padmanabhaswami Temple.*—(1) From and after the commencement of this Act, notwithstanding anything contained in any law or contract, the Sree Padmanabhaswami Temple shall cease to have any right, claim or interest in respect of any holding under it, but shall be entitled to receive and be paid compensation as hereinafter provided for the extinguishment of such right, claim or interest.

(2) Subject to the provisions of section 5, no tenant shall be liable to pay rent to the Sree Padmanabhaswami Temple from and after such commencement and every tenant shall have full proprietorship in the lands comprised in the holding.

(3) From and after the commencement of this Act, every tenant shall be deemed to be a registered holder holding lands under the Government under Pandarapattom and the lands comprised in the holding shall be deemed to be Pandaravaka lands for all purposes and the rights of the tenant shall be heritable and alienable.

(4) From and after the commencement of this Act, there shall be levied and charged on every holding basic tax and such other cesses and taxes as may be leviable under any law for the time being in force on Pandaravaka lands, and every tenant of a holding enfranchised under this Act shall be liable to pay such taxes and cesses.

4. *Compensation to the Sree Padmanabhaswami Temple.*—(1) The Government shall, by way of compensation for the extinguishment of the rights of the Sree Padmanabhaswami Temple under section 3, pay to the Temple compensation calculated at a sum equivalent to 8 1/3 times the annual rent to which it was entitled immediately before the commencement of this Act from the tenants of such holdings, less the collection charges, the price of paddy being commuted at Re. 1.25 nP. per standard para.

(2) The amount of compensation payable to the Sree Padmanabhaswami Temple shall be paid in Government bonds bearing interest at the rate of 4 per cent per annum from the date of issue, and they shall be redeemable at the end of six years from the date of issue.

5. *Liability to pay arrears of rent.*—Notwithstanding anything hereinbefore contained, all arrears of rent which have accrued due and remaining unpaid on the date of commencement of this Act in respect of any holding shall be recoverable by or on behalf of the Sree Padmanabhaswami Temple in the same manner as before the commencement of this Act.

6. *Appointment of officers to settle tax, etc.*—The Government may, for the purpose of settling the tax or other dues payable by a tenant to the Government or to any other authority, appoint such officer or officers as they may deem necessary. Such officer or officers may issue to the tenants pattas or other documents evidencing their rights in the land comprised in the holding and showing the amount of tax or other dues payable to the Government or to any other authority.

7. *Indemnity.*—(1) No suit or other legal proceeding shall lie against the Government for any act done or purporting to be done under this Act.

(2) No suit, prosecution or other legal proceeding shall be instituted against any officer or person duly authorised under this Act in respect of anything in good faith done or intended to be done under this Act or the rules made thereunder.

8. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner in which the pattas or other documents may be issued in favour of tenants;

(b) prescribing forms where forms are necessary;

(c) providing for appeals from orders of the officer or officers appointed to issue pattas or other documents;

(d) regulating the powers of the appellate authority and the procedure to be followed by such authority; and

(e) generally for carrying out the purposes of this Act and prescribing all matters required or allowed to be prescribed.

(3) The power to make rules conferred by this section is subject to the condition of previous publication.

(4) All rules made under this section shall be laid for not less than seven days before the Legislative Assembly as soon as may be, after they are made, and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

9. *Removal of difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.

Statement of Objects and Reasons.

The Bill seeks to enfranchise Sree Pandaravaka lands on payment of compensation by Government calculated at 8 1/3 times the income which the Sree Padmanabhaswami Temple is now deriving from the lands. No recovery will be made from persons in whose favour the lands are to be enfranchised, but basic tax will be levied on the lands on enfranchisement.

FINANCIAL MEMORANDUM

The Bill provides for extinguishment of the rights of the Sree Padmanabhaswami Temple in Sree Pandaravaka lands on payment of compensation at 8 1/3 times the annual income now derived by the temple, paddy being commuted for the purpose at

Re. 1·25 per Standard Parah. Sree Pandaravaka lands situated in the Kerala State are about 11,344 acres in extent and the annual income derived by the temple by way of rent, when commuted at the above rate, will come to Rs. 39,218. On this basis, the total compensation payable to the temple works out to Rs. 3,21,066. The compensation will be paid in Government bonds bearing 4% interest and shall be redeemable at the end of six years. Interest at 4% will work out to Rs. 12,841 per annum

2. Government will be taking over the staff employed by the Sree Padmanabhaswami Temple and this will cost them annually about Rs. 50,000. This figure is only approximate as some members of the staff may be retiring

3. The legislation will bring in Rs. 22,690 by way of land tax every year.

K. R. GOURI.